IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESSDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7577 of 2005

Between:

1.G. Ghouse Mohiuddin S/o. S. Hassan Ahmed, R/o. Door No. 8- 249, South By-Pass Road, Ongole, Prakasam District.
2 Medara Metla Rama Murthy, S/o. Venkata Subbaiah,
R/o. Door No. 8-433-C, South By-Pass Road, Ongole, Prakasam District.
3 Shaik Rahamthullah Basha S/o. Shaik Nagur Basha,
R/o. Door No. 8-427, South By-Pass Road, Ongole, Prakasam District.
4 Singamaneni Thirupathaiah S/o. Subbaiah
R/o.Besides North side of hanuman Idol, South By-Pass Road, Ongole, Prakasam District,
5 Abburi Adiseshaiah S/o. Krishnaiah,
R/o. South By-Pass Road, Ongole, Prakasam District.
6 Bathineni Thirupathi Swami S/o. Lakshmaiah
Padma Traders, South By-Pass Road, Ongole, Prakasam District.

PETITIONERS

AND

1 The Superintending Engineer, APSPDCL, Ramnagar, Ongole, Prakasam District.
2 The Manager (Technical) National High-way Authority,
Bhagyanagar, Ongole, Prakasam District.
3 The Commissioner, Ongole Municipality,
Ongole, Prakasam District.
4 The District Collector & Magistrate, Prakasam District at Ongole.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a Writ in the nature of Writ of Mandamus by declaring the action of the Respondents in installing High Voltage Electrical Lines adjacent to petitioners' buildings by shifting lines from Service Road Divider at By-Pass Road, Ongole is illegal, arbitrary, dangerous to life of residents, violation of principles of natural, justice, contrary to Rule 80 of Indian Electricity Rules, 1956 and provisions of Electricity Act, 2003 and to pass such other or further orders in the interest of Justice.

Counsel for the Petitioner: MR.E.SAMBASIVA PRATAP

Counsel for the Respondent No. 1: (SC FOR AP TRANSCO) V.AJAY KUMAR

Counsel for the Respondent No. 3: Mr. S. Nageswara Reddy.

Counsel for the Respondent No. 2: Mr. S.S. Varma (Addl. CGSC)

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that the respondents are proposing to lay a high voltage electric line very close to his residential building. Laying of such line very close to the residential locality is contrary to the rule 80 of the Indian Electricity Rules, 1956 and it is nothing but endangering the human life.

However, it is a matter of verification. This court cannot issue any direction at this stage unless it is substantially proved that the said violation is true.

Having regard to the facts and circumstances of the case, the respondents are directed to conduct a survey about the proximity of the line with the residential houses of the locality before laying any high-tension line and take all such necessary and precautionary steps to avoid any possibility of fatality and violation of the rules.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 06-04-2005

To

1 The Superintending Engineer, APSPDCL, Ramnagar, Ongole, Prakasam District.

2 The Manager (Technical) National High-way Authority,
Bhagyanagar, Ongole, Prakasam District.

3 The Commissioner, Ongole Municipality,
Ongole, Prakasam District.

4 The District Collector & Magistrate, Prakasam District at Ongole.

5 Two CD copies.